

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 18, 2004 PLANNING COMMISSION MEETING

**P.A.S.** Special Permit 04004A, Stone Bridge Creek Community Unit Plan

**PROPOSAL:** To allow a deck higher than 3' to extend up to 8' into the rear yard setback.

**LOCATION:** 7310 Whitewater Lane.

**WAIVER REQUEST:**

Reduce the rear yard setback for a deck.

**LAND AREA:** 5,500 square feet, more or less.

**CONCLUSION:** Provided the reduction of the setback is limited to an unenclosed deck to project no more than 8' into the rear yard setback the request is reasonable. Similar waivers have been granted in other neighborhoods with community unit plans.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
Reduce the rear yard setback for a deck.	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING ZONING:** R-3, Residential

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-3, Residential
South:	Residential	R-3
East:	Residential	R-3
West:	Residential	R-3

**HISTORY:** Special Permit 04004, Stone Bridge Creek was approved by the City Council on May 17, 2004.

Special Permit #643E, Briarhurst West CUP to reduce the rear yard setback fro a deck, was approved by the City Council October 6, 2003. (For one lot)

Special Permit #1845, Stone Bridge Creek CUP for 437 dwelling units, Change of Zone # 3265 from AG to R-3 and I-3, Industrial Park was approved by the City Council on August 27, 2001.

Special Permit #1022C, Old Cheney Place 1<sup>st</sup> Addition allowed open decks in the rear yard to be constructed at a height more than three feet above the ground was approved by the City Council on July 5, 1998. (For the entire subdivision)

The area was zoned A-A, Rural and Public Use until 1979 when the zone was updated to AG, Agricultural.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential(F-25).

**ANALYSIS:**

1. This is a request to reduce the rear yard setback for an 8' x 16' deck approximately 9' above grade.
2. The applicant had originally applied to the Board of Zoning Appeals but chose to request to amend the special permit since state statute requires all other means be exhausted prior to making application to the Board of Zoning Appeals. A request to vary the setback is usually reviewed by the Board of Zoning Appeals, however, since the lot is included in a community unit plan an adjustment to the yard requirements may be granted by the City Council.
3. The applicant indicates that due to an error in the installation of footings, the rear of the house is located at the rear yard setback line. The applicant would like a deck off the dining room. Decks are allowed in the rear yard setback if they are less than 3' above grade. This deck will be approximately 9' above grade.
4. The lot backing onto this property would be most greatly impacted by the reduction. The applicant indicated they had spoken to the owner who did not object to the request. A letter is to be submitted prior to the public hearing.
5. Provided the neighbor does not oppose the reduction, planning staff does not object to the request. The CUP allows the reduction of setbacks and is consistent with deck variances in other CUP subdivisions.
6. Several CUP's have been granted reduced yards to allow decks higher than 3' into the standard rear yard setback, for individual lots and entire subdivisions. A couple of these are noted in the "History" portion of this report.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
2. This approval permits an 8'x16' deck higher than 3' to project 8' into the required rear yard setback.

Prepared by:

Becky Horner, 441-6373, [rhorer@lincoln.ne.gov](mailto:rhorer@lincoln.ne.gov)  
Planner

<b><u>DATE:</u></b>	July 29, 2004
<b>APPLICANT:</b>	Dan Byers Meyer Homes, Inc. 130 S. 46 <sup>th</sup> Street (402)486-0404
<b>OWNER:</b>	Same
<b>CONTACT:</b>	Same



2002 aerial

## Special Permit #04004A 7310 Whitewater Lane

### Zoning:

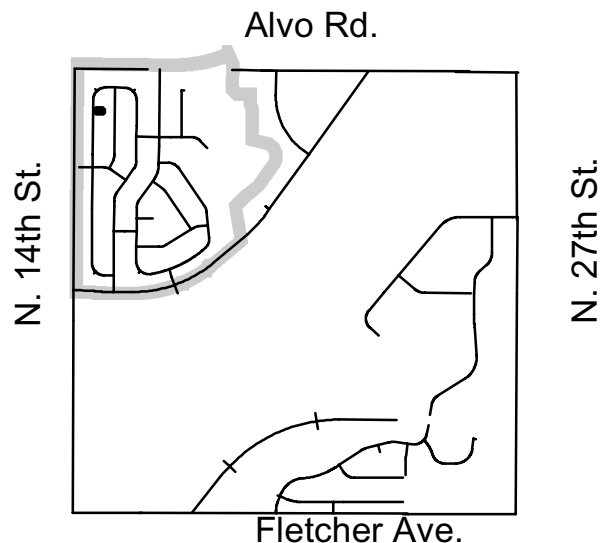
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 36 T11N R6E

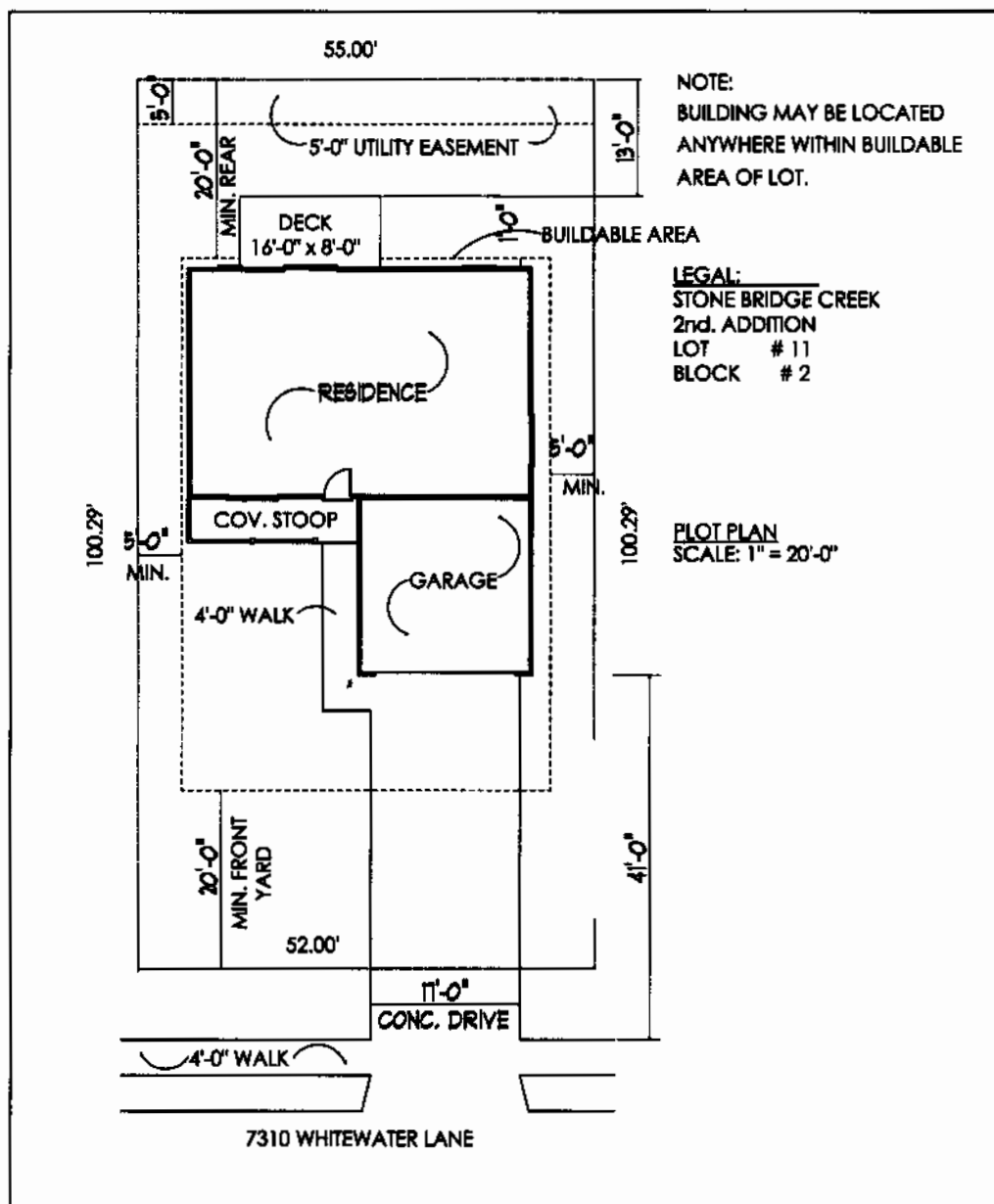


Zoning Jurisdiction Lines

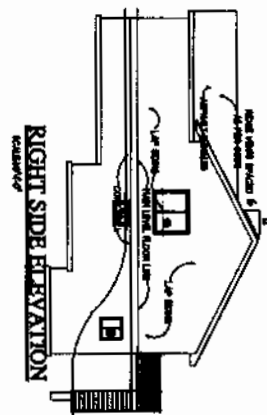
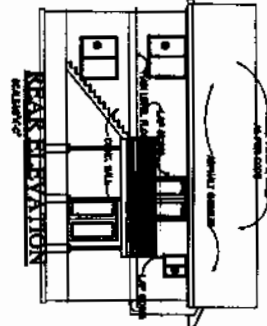
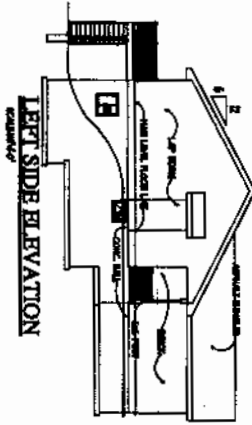
City Limit Jurisdiction



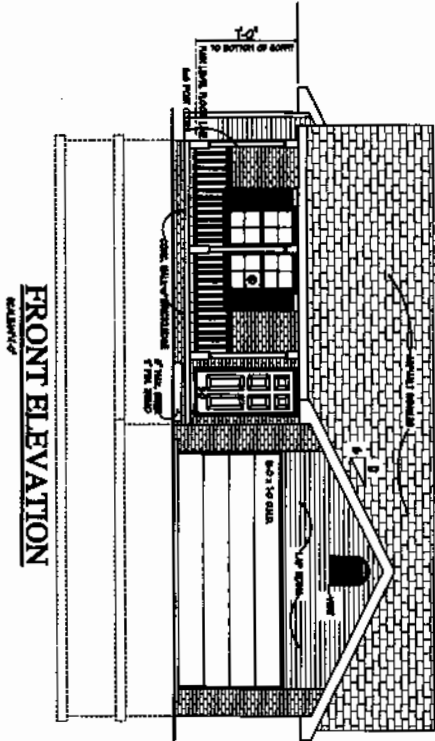
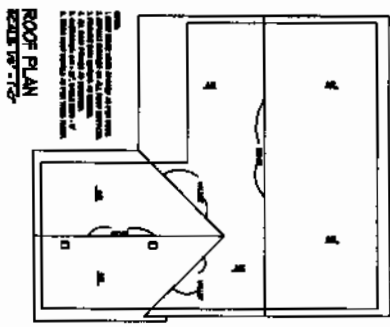
Lincoln City - Lancaster County Planning Dept.



JUL 22 2004



DESCRIPTION	NO.	QUANTITY	UNIT	NO.	UNIT	NO.
1. ROOF	1	1	SQ. YD.	2. ROOF	1	SQ. YD.
3. ROOF	1	1	SQ. YD.	4. ROOF	1	SQ. YD.
5. ROOF	1	1	SQ. YD.	6. ROOF	1	SQ. YD.
7. ROOF	1	1	SQ. YD.	8. ROOF	1	SQ. YD.
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97. ROOF	1	1	SQ. YD.	98. ROOF	1	SQ. YD.
99. ROOF	1	1	SQ. YD.	100. ROOF	1	SQ. YD.



A203

Revisions, Roof Plan, & Window Schedule  
 Section - Mechanical Room 2nd  
 7210 Whiteaker Lane  
 Lincoln, NE



Meyer Home Inc.  
 130 South 44th Street  
 Lincoln, NE 68510  
 phone: (402) 486-0404  
 fax: (402) 484-0104

Dan Byers  
Meyer Homes, Inc.  
130 S. 46<sup>th</sup> St.  
Lincoln, NE 68510  
July 22, 2004

RE: Amendment to the CUP

To whom it may concern:

The home being built at 7310 Whitewater Lane, Block 2 Lot 11, Stone Bridge Creek 2<sup>nd</sup> Addition, has an issue to bring before you, the City Planning Commission.

Due to a miscommunication between Meyer Homes, Inc. and the foundation contractor, the home has a set back of thirty-three feet from the lot pin, not thirty-three feet from the approximate location of the sidewalk as is on our plan.

We are petitioning the City Planning Commission for permission to build a deck off the rear of the home higher than the allowable thirty-six inch limit permitted within the non-buildable area as defined by the site map for Stone Bridge Creek 2<sup>nd</sup> Addition. The built deck would be sixteen feet wide by eight feet deep at a height of about nine feet.

We thank you in advance for your time and consideration in this matter. Should you have any questions about this issue, please contact Dan Byers at (402) 525-9955 anytime.

Daniel Byers  
Meyer Homes, Inc.



**OWNERSHIP CERTIFICATE****FILE NO: 6014110****TO: Dan  
Meyer Homes Inc**

Nebraska Title Company, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of LANCASTER County, Nebraska have been carefully examined with referenced to the following described property, and from such examination finds as follows:

**LEGAL DESCRIPTION:**

Lot Eleven (11), Block Two (2), Stone Bridge Creek 2nd Addition, Lincoln, Lancaster County, Nebraska

Address: 7310 Whitewater Ln, Lincoln, NE

**OWNER OF RECORD:**

Meyer Homes, Inc., a Nebraska Corporation

**Effective Date: July 19, 2004 at 8:00 am**

Nebraska Title Company

By: Joan F. Journey

Vice-President  
Registered Abstractor

Please direct inquiries to: Joan Journey

